

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 COME-00 OES-07 SSO-00 L-03 EB-08
IO-14 DLOS-09 CG-00 DOTE-00 /056 W
-----124620 242304Z /66
O R 242140Z JAN 78
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9957
INFO AMEMBASSY MEXICO

UNCLAS SECTION 1 OF 2 SAN JOSE 0371

MEXICO FOR REGIONAL FISHERIES ATTACHE

PLEASE PASS TO NOAA - PETER JENSEN

E.O. 11652: N/A
TAGS: EFIS, ETRD, CS
SUBJ: TUNA/PORPOISE EMBARGO

REF: 77 SAN JOSE 5730

1. ON JANUARY 23, EMBASSY RECEIVED FIRST PERSON FOREIGN OFFICE NOTE
RE US PORPOISE REGULATIONS AND EXPORTS OF TUNA TO US. UNOFFICIAL
TRANSLATION OF NOTE FOLLOWS:

"MR AMBASSADOR:

I HAVE THE PLEASURE OF ADDRESSING YOUR EXCELLENCY FOR THE
PURPOSE OF REITERATING THE INTEREST OF MY GOVERNMENT AND OF OUR
TUNA INDUSTRY IN BEING ABLE TO EXPORT COSTA RICAN TUNA TO YOUR
COUNTRY, UNDER THE NEW LEGISLATION PREVAILING IN THIS MATTER AND
FOR WHICH I HAVE THE PLEASURE TO TRANSMIT IN THREE COPIES A STATE-
MENT OF THE GOVERNMENT OF COSTA RICA TO THE GOVERNMENT OF THE
UNITED STATES OF AMERICA TO REQUEST ACCESS TO YOUR MARKET FOR
COSTA RICAN TUNA.

AT THE SAME TIME I ASK YOUR EXCELLENCY TO SEND A COPY TO THE
DIRECTOR OF THE NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC
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AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE, WASHINGTON,
D.C.

I AVAIL MYSELF OF THIS OPPORTUNITY TO RENEW TO YOUR EXCELLENCY
THE ASSURANCES OF MY HIGHEST AND MOST DISTINGUISHED CONSIDERATION.

(S/ FERNANDO DEL CASTILLO RIGGIONI
VICE MINISTER

2. A TRANSLATION OF THE STATEMENT WHICH WAS APPENDED TO THE NOTE
FOLLOWS:

STATEMENT OF THE COSTA RICAN GOVERNMENT TO THE GOVERNMENT OF THE
UNITED STATES OF AMERICA TO REQUEST ACCESS TO ITS MARKET FOR COSTA
RICAN TUNA.

CONSERVATION OF NATURAL RESOURCES HAS PRIORITY AMONG THE PRO-
GRAMS OF THE COSTA RICAN GOVERNMENT.

COSTA RICA HAS SUPPORTED AND CONTINUES TO SUPPORT WITH ALL THE
MEANS AT ITS DISPOSAL WHATEVER EFFORTS OTHER NATIONS OR THE INTER-
NATIONAL COMMUNITY UNDERTAKE TO CONSERVE THOSE RESOURCES. COSTA RICA
HAS MANIFESTED ITS PREOCCUPATION OVER THE LACK OF COMPREHENSIVE
INTERNATIONAL LEGISLATION SETTING OUT THE NORMS OF PROTECTION FOR
MARINE MAMMALS; IT HAS THUS STATED IN VARIOUS INTERNATIONAL FORA.
PROTECTION OF DOLPHINS DOES NOT ESCAPE THIS FORM OF THINKING AND
PROCEDURE.

IN 1949 COSTA RICA AND THE UNITED STATES ESTABLISHED THE INTER-
AMERICAN TROPICAL TUNA COMMISSION (IATTC).

IN THAT SAME YEAR EVEN THOUGH IATTC HAD NOT BEGUN TO FUNCTION,
COSTA RICA HAD ALREADY LEGISLATED THROUGH DECREE NO 739 OF OCTOBER
4, ON THE PROTECTION OF PROPOISE PROHIBITING ITS CAPTURE AND PRO-
VIDING PENALTIES IN THOSE CASES WHERE THOSE MAMMALS OR PARTS THEREOF
WERE FOUND ABOARD A BOAT.

THEREAFTER COSTA RICA RATIFIED THE TREATY ON FISHERIES AND
CONSERVATION OF LIVING RESOURCES OF THE HIGH SEAS IN ITS ENTIRETY
SIGNED IN GENEVA ON APRIL 29, 1958.

SIMILARLY, COSTA RICA IS A SIGNATORY OF THE TREATY ON THE
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PREVENTION OF CONTAMINATION OF THE SEAS BY DISPOSAL OF WASTE MATTER
AND OTHER MATERIEALS, SIGNED IN MEXICO ON DECEMBER 29, 1972.

OUR COUNTRY ALSO SUBSCIBED TO THE CONVENTION OF INTERNATIONAL
COMMERCE ON ENDANGERED SPECIES ON MARCH 3, 1973 IN WASHINGTON, D.D.

IN 1977, BY MEANS OF EXECUTIVE DECREE NO 7391 A, THE COSTA
RICAN GOVERNMENT INCORPORATED INTO ITS LEGISLATION AS A SPECIAL
CONDITION FOR THE GRANTING OF FISHING PERMITS TO NATIONAL FLAG
SHIPS THE UTILIZATION OF MECHANISMS OR METHODS TO AID IN THE PROT-

ECTION OF DOLPHINS.

COSTA RICAN LEGISLATION ON THE PROTECTION OF DOLPHINS
AND THE PROCEDURE THAT IS EMPLOYED IN THE GRANTING OF PERMITS TO
EXPLOIT TUNA RESOURCES IS PARALLEL WITH THE EFFORTS THAT THE
UNITED STATES GOVERNMENT HAS TAKEN TO CONSERVE MARINE MAMMALS.
COSTA RICA GRANTS EACH FISHING LICENSE THROUGH A CONTRACT WITH THE
LICENSEE UNDER WHICH THE LATTER IS OBLIGATED, IN ADDITION OT THAT
STIPULATED IN THE LAWS ON FISHING, TO:

- 1.- AGREE TO EMPLOY THOSE METHODS WHICH CAUSE THE LEAST INCIDENTAL
MORTALITY OF DOLPHINS IN ACCORD WITH EXISTING TECHNOLOGY AS JUDGED
BY THE DIRECTORATE GENERAL OF FISHERIES AND WILDLIFE;
- 2.- TO FREE, WITH ALL THE METHODS AT HIS DISPOSAL AND WITHOUT

CAUSING INJURY, THE DOLPHINS THAT ARE TRAPPED IN FISHING NETS;
3.- REPORT THE NUMBER OF DOLPHINS KILLED OR INJURED INDICATING
THE SHIPS AND THE AREA OF CAPTURE;
4.- TO TAKE ON BOARD AN OBSERVER AUTHORIZED BY THE DIRECTOR GENERAL
OF FISHERIES AND WILDLIFE OF THE MINISTRY OF AGRICULTURE WHEN THE
LATTER CONSIDERS IT NECESSARY.

IN ACCORDANCE WITH OUR REGISTRIES, COSTA RICA HAS NOT EXPORTED
TUNA TO THE UNITED STATES IN STATISTICALLY SIGNIFICANT QUANTITIES.
NEVERTHELESS, WE ANTICIPATE THAT AN APPRECIABLE QUANTITY OF YELLOW-
FIN TUNA, CAPTURED BY COSTA RICAN FLAG VESSELS, MAY BE EXPORTED TO
THE UNITED STATES IN 1978 BECAUSE OF THE RECENT ADDITION OF FOUR
TUNA BOATS OF HIGH TONNAGE WITH A CAPACITY OF NEARLY 4,000 METRIC
TONS TO OUR FLEET.

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ACTION ARA-14

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THERE FOLLOWS A LIST OF THE NAMES AND TONNAGE OF THE ABOVE-
MENTIONED BOATS:

NAME	CAPACITY
COOPEATUN I	1,- NPP TONS
CARIARI	1,100 TONS
TALAMANCA	930 TONS
XJRUCA	750 TONS

COOPEATUN, BORUCA AND CARIARI HAVE ALREADY INITIATED THEIR
FIRST FISHING VOYAGE UNDER COSTA RICAN FLAG. TALAMANCA WILL BE
ARRIVING AT THE PORT OF PUNTARENAS MOMENTARILY TO COMPLETE THE
PROCESS OF REGISTRATION.

COSTA RICA HOPES TO EXPORT TO THE UNITED STATES IN 1978 APPROXI-
MATELY 8,000 TONS OF YELLOWFIN TUNA AND 4,000 TONS OF SKSV JACK OR
A TOTAL OF 12,000 TONS UNDER TSUS 110.1020 AND 110.1045. IN THE
PAST THE FLEDGLING COSTA RICAN TUNA FLEET DID NOT HAVE ANY CAPACITY
TO DESTROY DOLPHIN POPULATION BECAUSE IT WAS COMPRISED OF ONLY A
FEW BOATS OF SMALL CAPACITY AND OPERATED WITH TECHNIQUES AND METHODS
OF FISHING WHICH, BECAUSE OF ITS DESIGN AND FORM OF OPERATION,

DID NOT CAUSE ANE
PMIGNIFICANT DAMAGE TO SAID POPULATION.

UUIL OCTOBER 1977, THIS FLEET WAS CONSTITUTED OF SHIPS WITH
A CAPACITY PER UNIT NOT GREATER THAN 172 TONSHHAT DID NOT USE
"SPEED BOAT" IN ITS CATCH OPERATIONS; THIS FACTOR LIMITED TO A
GREAT DEGREE THE MORTALITY OF DOLPHINS.

THE DIRECTOR GENERAL OF FISHERIES AND WILDLIFE OF THE MINISTRY
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OF AGRICULTURE OF COSTA RICA ESTIMATED, BASED ON INTERVIEWS, VISITS
AND INSPECTIONS, THAT THESE BOATS CAUSED THE DEATH OR INJURY OF A
QUANTITY NOT EXCEEDING FIVE DOLPHINS OF THE SPECIES STRENELLA
ATTENUATA AND STRENELLA LONGIROSTRIS IN THE ENTIRE YEAR 1977 AND IN
CASE WERE ANY DOLPHINS OR PARTS THEREOF FOUND ON BOARD BOATS.

DURING THE LAST MONTHS OF 1977 THREE OF THE FOUR LARGE SHIPS
PREVIOUSLY MENTIONED WERE INCORPORATED INTO THE FLEET BUT AS OF
THIS DATE THEY HAVE NOT TERMINATED THEIR FIRST VOYAGE; THEY EMPLOYED
FISHING METHODS THAT LIMIT TO A HIGH DEGREE THE MORTALITY OF
DOLPHINS, BUT STATISTICS ARE NOT AVAILABLE ON INJURIES BECAUSE THE
SHIPS HAVE JUST BEGUN OPERATIONS.

WITH THE AIM OF MINIMIZING THE ACCIDENTAL CAPTURE OF PORPOSE,
THE GOVERNMENT OF COSTA RICA, IN CONFORMITY WITH NATIONAL LEGIS-
LATION AND WITH OBLIGATIONS ACQUIRED UNDER IATTC TO APPLY THE MOST
EFFECTIVE TECHNIQUES FOR THE PROTECTION OF THOSE MARINE MAMMALS,
HAS REQUIRED THAT IN THE CASE OF PURSE SEINERS THE USE OF AUXILIARY
"SUPER APRON" OR SOMETHING SIMILAR THAT COMPLIES WITH THE TECHNICAL
NORMS APPROVED BY OUR NATIONAL AUTHORITIES AND THOSE OF COUNTRIES
THAT IMPORT OUR TUNA.

IT IS ESTIMATED THAT IN 1978 THE COSTA RICAN FLEET WITH
EXISTING TECHNOLOGY COULD INCIDENTALLY KILL OR SERIOUSLY INJURE
DURING TUNA FISHING OPERATIONS WITH A SEINING NET APPROXIMATELY
2,500 DOLPHINS OR THE EQUIVALENT OF 0.25 DOLPHINS PER TON OF
YELLOWFIN TUNA CAUGHT; A FIGURE THAT ACCORDING TO IATTC ESTIMATES
WOULD BE WITHIN THE ACCEPTABLE CONSERVATION STANDARDS. WE ARE
UNABLE TO MAKE A SCIENTIFIC STATEMENT ON THE EFFECT OF THAT MORT-
ALITY ON THE DOLPHIN POPULATION BECAUSE OF THE LACK OF SCIENTIFIC
INFORMATION ON THAT POPULATION.

COOPEATUN I WAS BUILT BY MARTINAC SHIPYARD OF TACOMA,
WASHINGTON; IT HAS FISHING EQUIPMENT EQUIVALENT TO OR SUPERIOR TO
THAT CARRIED BY THE MOST MODERN FISHING VESSELS, AND ALSO HAS THE
MOST ADVANCED PROCEDURES TO MINIMIZE THE MORTALITY OF MISTREATMENT
OF PORPOISE. COOPEATUN I, CARIARI, TALAMANCA AND BORUCA ALSO
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UTILIZE THE LATEST TECHNIQUES TO MINIMIZE DOLPHIN MORTALITY. WE
CONSIDER THAT ALL THESE BOATS SATISFACTORILY COMPLY WITH THE

PROTECTIVE MEASURES ESTABLISHED BY THE UNITED STATES OF AMERICA.

THE COSTA RICAN GOVERNMENT RECENTLY MET WITH ALL THE LEADERS WHO PARTICIPATE IN THE TUNA FISHING INDUSTRY TO POINT OUT ONCE AGAIN THE OBLIGATION THAT THEY HAVE TO COMPLY WITH ALL THE EXISTING REGULATIONS RELATED TO THIS ACTIVITY. IN PARTICULAR, THE GOVERNMENT POINTED OUT THE NECESSITY THAT THEY COMPLY WITH THE REQUIREMENTS FOR THE PROTECTION OF MAMMALS AS SET FORTH BY THE MINISTRY OF AGRICULTURE OR IN AGREEMENT WITH COUNTRIES THAT IMPORT COSTA RICAN TUNA.

FINALLY THE GOVERNMENT OF COSTA RICA REITERATES ITS INTEREST IN IMPROVING THE PRACTICES OF TUNA FISHING VESSELS AIMED AT PROTECTING MARINE MAMMALS; IN THIS SENSE IT COINCIDES WITH UNITED STATES INTEREST TO APPLY MORE PERFECT TECHNIQUES TOWARD THIS END. COSTA RICA IS WELL DISPOSED TO WORK JOINTLY WITH THE GOVERNMENT OF THE UNITED STATES, WITH THE IATTC, OR WHATEVER OTHER COMPETENT ORGANIZATION IN THE EFFORT TO ACHIEVE A RATIONAL EXPLOITATION OF YELLOWFIN TUNA AND OTHER SPECIES THAT ARE DETERMINED TO REQUIRE REGULATION IN THEIR CAPTURE.

3. COPIES OF THE NOTE AND APPENDED STATEMENT (IN ORIGINAL SPANISH TEXT) ARE BEING FURNISHED TO THE DEPARTMENT.
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Message Attributes

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